

# **Draft Environmental Assessment**

## **Issuance of a 124 Permit to Lake County for River Access Improvements on the Swan River, Montana**

**April 2017**



***Montana Fish,  
Wildlife & Parks***

# Draft Environmental Assessment MEPA, NEPA, MCA 23-1-110 CHECKLIST

## **PART I. PROPOSED ACTION DESCRIPTION**

1. **Type of proposed state action:**  
Issuance of a 124 permit to Lake County for river access improvements on the Swan River.
2. **Agency authority for the proposed action:**  
Montana Fish, Wildlife & Parks
3. **Name of project:**  
Permit #CO-124-1-17 R1 Swan River Access Improvements
4. **Name, address, and phone number of project sponsor (if other than the agency):**  
Lake County Parks Board  
106 Fourth Avenue East  
Polson, MT 59860  
406-883-7204
5. **Anticipated schedule:**  
Estimated construction commencement date: 7/15/2017  
Estimated completion date: 7/15/2018  
Current status of project design (% complete): 95% complete (Final materials of the walkway/stairway TBD at this time)
6. **Location affected by proposed action:**  
Swan River near Ferndale, MT (T26N R19W S11)
7. **Project size:**

	<u>Acres</u>		<u>Acres</u>
(a) Developed:			(d) Floodplain
Residential	<u>0</u>		
Industrial	<u>0</u>		(e) Productive:
(existing shop area)			Irrigated cropland
(b) Open Space/	<u>0</u>		Dry cropland
Woodlands/Recreation			Forestry
(c) Wetlands/Riparian	<u>80 feet</u>		Rangeland
Areas			Other
8. **Listing of any other local, state, or federal agency that has overlapping or additional jurisdiction:**

(a) **Permits (Permits will be filed at least 2 weeks prior to project start.):**

<u>Agency Name</u>	<u>Permits</u>
US Corps of Engineers	404 Permit

**(b) Funding:**

<u>Agency Name</u>	<u>Funding Amount</u>
Lake County	NA

**(c) Other overlapping or additional jurisdictional responsibilities:**

<u>Agency Name</u>	<u>Type of Responsibility</u>
NA	

**9. Narrative summary of the proposed action or project, including the benefits and purpose of the proposed action:**

Lake County proposes to modify and improve the river access located on Rainbow Drive along the Swan River. The site has been a popular access point for river recreation and is being affected by high use. The current river access point is a steep bank with no steps or other improvements. The bank has little vegetation. The proposed action by Lake County would relocate the current access point to an upstream area on the same parcel with a gentler slope. The existing access point will be revegetated and a walkway/stairway will be constructed to provide access to the river. The bank repair work will cover approximately 30' and the new access point will affect approximately 10' of bank. The revegetation work will extend approximately 50-60' back onto the bank. All revegetation and access improvement work will be accomplished with hand tools. The purpose of the project is to protect the bank from future erosion and maintain recreational use at the site. The Lake County Parks Board is working with neighbors, residents, and floaters to establish a more reasonable and responsible approach to the water that will discourage misuse, decrease impacts, and repair damage from historical use. Increased use is not expected as a result of the proposed activities. The project is located on Lake County property. FWP proposes to issue a 124 permit to allow the project.

**10. Description and analysis of reasonable alternatives (including the no-action alternative) to the proposed action, whenever alternatives are reasonably available and prudent to consider, and a discussion of how the alternatives would be implemented:**

**Alternative A: No Action**

Montana Fish, Wildlife & Parks would not issue Lake County a permit to do the river access improvement work. The impacts associated with high use would likely continue and the bank would likely continue to degrade.

**Alternative B: Proposed Action**

Montana Fish, Wildlife & Parks would issue Lake County a permit to do the bank revegetation and access improvement work. The county would rehabilitate the existing degraded bank and relocate the river access point to a better location. The new access point would be a walkway/stairway structure that allows access without adversely affecting the bank.

## PART II. PREDICTED ENVIRONMENTAL OUTCOMES

### 1. Evaluation of the impacts of the Alternatives, including secondary and cumulative impacts on the physical and human environment.

#### A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?		X				
c. Destruction, covering, or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition, or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				1d.
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other:						

#### Comments:

1d. The proposed action would result in less bank erosion and improved vegetation.

2. <u>AIR</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13c.)		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regs? (Also see 2a.)		X				
f. Other:						

#### Comments:

No negative impacts to Air Resources are expected.

3. <u>WATER</u>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity?			X		X	3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water-related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		X				
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		X				
n. Other:						

**Comments:**

3a. Construction activities may cause turbidity and sedimentation. The amount of material introduced into the stream will not be significant and will be of short-term duration. Sedimentation will be minimized by completing the project under low stream flow conditions and through the appropriate use of silt fencing.

4. <b><u>VEGETATION</u></b>  Will the proposed action result in?	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity, or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X		X	4a.
b. Alteration of a plant community?		X				
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				
f. For P-R/D-J, will the project affect wetlands or prime and unique farmland?		X				
g. Other:						

**Comments:**

4a. The revegetation of the existing access point will result in an increase in the amount of riparian vegetation found at the site. The construction of the proposed walkway/stairway will result in the loss of some shrubs and riparian vegetation. However, because the proposed structure is intended to be placed on or above the ground, much of the existing vegetation will be preserved. This type of structure allows the existing vegetation and root structure to be left in place.

5. <u>FISH/WILDLIFE</u>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest, or other human activity)?		X				
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X				
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				
j. Other:						

**Comments:**

5f. Bull trout and westslope cutthroat trout inhabit the Swan River. This site is not bull trout or westslope cutthroat trout spawning habitat. Project implementation will not reduce the amount of rearing habitat at this site. The project will not impact these species.

## B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?		X				
b. Exposure of people to severe or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other:						

### Comments:

The proposed actions are not expected to result in a change to existing Noise/Electrical Effects.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflict with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				7e.
e. Other:						

### Comments:

7e. The proposed actions will not result in changes to the current human use levels of the site.



8. <b><u>RISK/HEALTH HAZARDS</u></b>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		X				
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a.)		X				
e. Other:						

**Comments:**

No effects on Risk/Health Hazards are expected.

9. <b><u>COMMUNITY IMPACT</u></b>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				
f. Other:						

**Comments:**

No effects on Community Impact are expected.

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. An effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				
b. An effect upon the local or state tax base and revenues?		X				
c. A need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. An increased use of any energy source?		X				
e. Define projected revenue sources		X				
f. Define projected maintenance costs.		X				
g. Other:		X				

**Comments:**

No effects on Public Services/Taxes/Utilities are expected as a result of the proposed actions.

11. <b><u>AESTHETICS/RECREATION</u></b>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)		X				11c.
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails, or wilderness areas be impacted? (Also see 11a, 11c.)		X				
e. Other:						

**Comments:**

11c. The proposed improvements at the Lake County river access are intended to reduce effects from high use at the site. Historically floating vessels of all sizes were launched at the site. The proposed action does not restrict the sizes of vessels to be launched. No constructed boat ramp exists on the site and no ramp is being proposed. Users will be required to use the newly constructed river access area, including the walkway and stairs to carry their vessel to the water. Users will not be able to back a boat trailer over the river bank. Another site downstream is available to launch larger rafts from trailers.

12. <b><u>CULTURAL/HISTORICAL RESOURCES</u></b>  Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure, or object of prehistoric, historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12a.)		X				
e. Other:						

**Comments:**

No effects on Cultural/Historical Resources are expected.

## SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u>  Will the proposed action, considered as a whole:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard, or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		X				
g. For P-R/D-J, list any federal or state permits required.		X				

Comments:

2. **Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:** None identified.

### **PART III. NARRATIVE EVALUATION AND COMMENT**

The proposed project does not have negative impacts. The No Action alternative would result in continued degradation of the streambank associated with high use. If permitted, FWP would place conditions on the project to minimize introduction of sediment to the surface waters (i.e., timing restrictions and the use of silt fencing).

### **PART IV. PUBLIC PARTICIPATION**

#### **1. Public involvement:**

The public will be notified in the following manners to comment on this draft EA, the proposed action, and the alternatives:

- Two public notices in each of these newspapers: Daily Inter Lake & Lake County Leader
- One statewide press release
- Public notice on the Fish, Wildlife & Parks web site: <http://fwp.mt.gov>.

Copies of this environmental assessment will be distributed to the neighboring landowners and interested parties to ensure their knowledge of the proposed project.

This level of public notice and participation is appropriate for a project of this scope, having limited impacts, which can be mitigated.

2. **Duration of comment period:** A 30-day period is provided, from April 18 through May 17, 2017.

### **PART V. EA PREPARATION**

#### **1. Based on the significance criteria evaluated in this EA, is an EIS required?**

No, the proposed actions are common techniques to restore streambank vegetation and to prevent bank erosion at river access sites. FWP issues hundreds of bank construction permits annually. This is a common activity for FWP.

#### **2. Name, title, address, and phone number of the person(s) responsible for preparing the EA:**

Leo Rosenthal  
MFWP Fisheries Biologist  
490 N. Meridian Road  
Kalispell, MT 59901  
(406) 751-4548

3. **List of agencies consulted during preparation of the EA:** None